

THE TOMBSTONE EPITAPH

Published every Saturday evening, gives all the news of the week, county, state and general, and more especially events and happenings of interest to the people of Tombstone and Cochise county. Yearly subscriptions \$2.50.

Tombstone Epitaph

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TOMBSTONE, COCHISE COUNTY, ARIZONA, SUNDAY, AUGUST 20, 1916

NO. 41

SUPERIOR COURT DENIES INJUNCTION AGAINST SUPERVISORS

HOLDS THAT DEMAND OF DETECTIVE AGENCY IS A PROPER CHARGE AGAINST COUNTY

COUNTY REPRESENTED BY COUNTY ATTORNEY ROSS AND JUDGE CAMPBELL

In the matter of the application for an injunction against the board of supervisors and the county treasurer filed by J. B. Speer, A. S. Field, and J. B. Murcheson, to prevent the payment of the claim filed by the Thiel Detective Agency for services in collecting evidence in the liquor selling cases, the court this morning denied the application and gave judgment to the defendants. The case was argued by County Attorney John F. Ross and Judge Campbell for the county officials and Alexander appeared for the plaintiffs in the absence of Attorney Irwin of Douglas. The case for the county was well presented and they cited a number of authorities which bore out their contention that the claim was a legal charge. Attorney Alexander Murry did the best he could of a bad mess but the weight of authority was against him.

In deciding the case the court said: "We are taught by history that organized society was instituted in the first place for the purpose of enforcing the social laws of such society. That has, from the beginning of history, been the particular duty of society and its government. From time to time these duties have been extended, but I think it has always remained as the chief duty of the officers of society to enforce the penal laws of such society."

"Now, under our law, the counties of the different states are given, by the sovereignty, the right and authority and the duty to enforce the penal laws through their various officers. The County Attorney's Office, the Sheriff's Office and the Court being the chief offices, but every officer having a part in the enforcement of the penal statutes."

"The legislature, in providing for the expenses of the county government, has named specific expenses, and then has, in the end, provided for the contingent expenses necessarily incurred for the use and benefit of the county. Without passing on the provisions of Section 2 of Paragraph 2381, without considering it necessary to pass on it, as to whether, technically, the county attorney should wait until a crime has been committed—a man has been murdered, we will say—before he take any steps to apprehend the offender, I am satisfied there can be no higher duty for the county and its officers than to enforce its criminal laws. If the county officers have reason to believe that the criminal laws have been violated, or are going to be violated, I think it is their duty even more to prevent future violations than to punish past violators, if they have reasonable grounds to believe that the laws are going to be violated, and I think that Section 11, in regard to contingent expenses necessarily incurred for the use and benefit of the county is broad enough to cover any reasonable expenses for the enforcement of the criminal law, whether to prevent future violations or the punishment of past."

"Now, the only question would be

TOM CAMPBELL HAS NARROW ESCAPE FROM SERIOUS INJURY

FLAGSTAFF, Aug. 17.—Tom Campbell, republican candidate for governor, had a narrow escape from death at 5 o'clock this afternoon, when a bucking broncho fell on him at the annual Red Lake barbecue celebration, ten miles north of Williams. The accident followed the successful riding by Governor Hunt of a wild burro. Eight men had been thrown by the burro, none being able to ride it unsaddled, and the burro made no attempt to throw the governor after saddled. Jim Smith, a cowpuncher friend of Campbell's, seeing the governor riding a burro before a cheering crowd of two thousand people, hoisted Campbell into the saddle on his broncho, with Smith riding bareback behind. As the crowd began cheering Smith spurred the animal, which reared straight up and fell back on top of Campbell. The horse soon got up and friends of Campbell rushed to his side. He was pale and weak and suffering. After lying on the ground a few minutes, despite the statement he was not hurt badly, it was plain he was injured, and he was rushed in an automobile to Williams for medical attention.

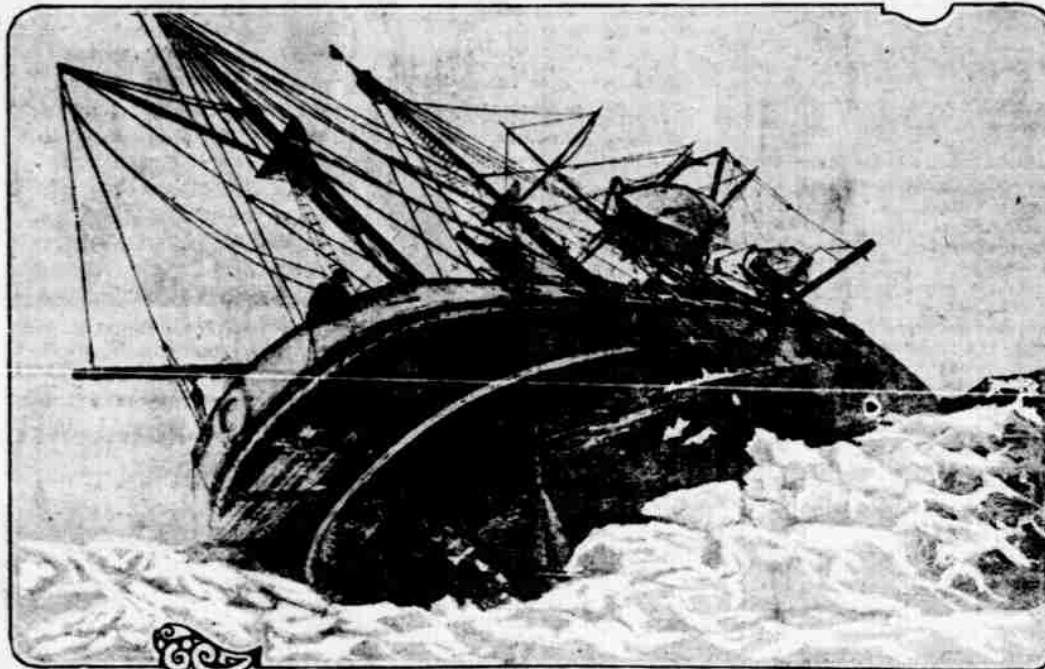
Upon his arrival at Williams, he was put to bed at the Harvey House. A doctor, who was called, found the lumbar muscles were strained and that the horn of the saddle had injured Campbell's breast and tore his clothing. This injury is not serious, however.

ARIZONA MAN KILLS LARGE MOUNTAIN LION IN BATTLE

PRESCOTT, Aug. 17.—Yesterday, on the Copper Basin road, a horse ridden by Larry Little was attacked by an immense mountain lion. Little was armed with a .38 calibre revolver with which he succeeded in killing the lion in two shots. The animal was brought to the city later. It was old and measured nine feet seven inches from tip to tip. Though the horse managed to carry its rider into Prescott, it is so wounded that there is little doubt of its living.

Neither the expenses are reasonable nor not. Common experience teaches us, and the experience of the past six months has taught us, that there is absolutely no way to enforce this particular law, which is not only one of our criminal laws, but one which was written by the people into our fundamental law, than through the services of hired detectives. We have had two or three experiences during these cases where citizens have been called as witnesses, and have come on the stand and perjured themselves, to the knowledge of the Court and every man sitting on the jury, in order to avoid testifying. I remember one case two weeks ago when one young man that I know very well was on the stand and any one who saw him could tell that he was perjuring himself to avoid testifying and adopted the old familiar attitude of saying "I don't know," in regard to matters that any human being was bound to know, and for that reason it is very apparent to this court that if the law is to be enforced, this is a reasonable expense in enforcing it. The very first duty of every public officer, from the governor of the state down to the constable in the smallest precinct, is to enforce our criminal law, and I shall hold that this is a proper charge against the county and any amendment setting forth the actual facts charged would not avail the plaintiffs in the case."

PERILS OF ANTARCTIC PICTURED BY SHACKLETON



© 1916, by American Press Association from Medem. Photo by Sir Ernest Shackleton. Lieutenant Ernest Shackleton lost his ship in the antarctic and has since made several attempts to reach a party of his men marooned in the frozen south. The ship as shown here is experiencing an ordinary occurrence when the ice packs up against it and tips it at this dangerous angle. The boat on the starboard side in the foreground is the one in which the 750 mile journey to South Georgia. In the antarctic, was made.

SOLDIERS FILE SUIT REPORT CHANGES WILL BE MADE IN CABINET OF CARRANZA

Sergt. Harry Pittson, Sergt. Robert M. Martin and Priv. John G. Regoya, all members of company F Fourteenth Infantry, through their attorney, D. A. Richardson, of Douglas, have filed suit in the Superior Court against the Bisbee-Naco Water company for \$5,000 each for injuries sustained when they were shot by a guard at the Naco plant of that company, at 2 o'clock on the morning of June 22, 1916.

It will be remembered that the accident occurred when the situation with Mexico was very critical. Company F, consisting of 60 odd members was enroute to the water works to guard the plant when William B. Humphrey, the night watchman, opened fire on the soldiers, thinking, so he stated, that the plant was being attacked. Private Walter E. Paul was wounded so seriously that he died an hour later, and the three men who are now suing the company were also struck. In their complaints they allege that Humphrey opened fire on them without warning or provocation and when the soldiers were within a 100 yards of the plant.

The parents of Walter E. Paul, who was killed, live at Meridian, Wash. Mr. Richardson says that as soon as an administrator for his estate is appointed suit will be instituted against the company on the charge of being responsible for his death.

LARGE BOULDER BREAKS NECK OF WELL KNOWN BISBEE MINER

BISBEE, Aug. 19.—A large boulder, weighing nearly two tons, probably loosened by the jar of a machine drill, fell upon the back of Charles A. Burgoon as he was putting in a round of holes in the Shattuck mine last night at about 8:40 o'clock, breaking his neck and killing him instantly.

Burgoon went on shift yesterday evening and finding that the muckers on the opposite shift had not finished cleaning up the ore in the prospect drift he had been working in, decided to move over to another intermediate drift in which there was a small vein of ore. He set up his machine there and had finished putting in one hole and was working on the second when

NOGALES, Aug. 18.—From well authenticated sources it is learned that many changes in the personnel of the Carrancista officers will be made along the west coast of Mexico in the near future. Luis Cabecera and Ignacius Bonillas, both members of the Carranza cabinet have been appointed as commissioners to the Washington conference and General Obergon. It is said, will soon leave the cabinet to become a candidate for the presidency.

Sub-Secretary Amador, of foreign relations, recently died, making four vacancies in the cabinet. To fill three of these vacancies it is proposed to name Generals Calles, Dieguez and Flores, but it is not stated which one of these men will take Obregon's place as secretary of war. Nor can it be learned who will be appointed to the commands that are to be vacated by the above appointments. It is thought by some that the above is an effort to compromise differences, while others hold that it is merely the beginning of another upheaval. Only time can tell. The people along the Arizona border are interested from the fact that General Calles has shown a greater degree of friendliness to the Americans than many of the other officers.

If a "gringo" hater like Naffarato should assume command in Sonora it might lead to grave consequences, while otherwise, if he should be friendly to the Americans it would cause an influx of Americans with capital to give work to the thousands of Mexicans now out of employment.

The boulder just over his head fell upon him giving him a large scalp wound and breaking his neck, as well as bruising him badly.

A mucker working near at hand rushed to his rescue and secured help to take the body out which was removed to the Palace Undertaking Parlor.

Charles Burgoon was one of the best miners in the employ of the Shattuck company and had put in the raise and prospect drifts in the country, between the five and six hundred foot levels, acting practically as his own boss. He is an old timer in the district, having lived here during the past fourteen years and having been employed at the Shattuck for many months.

COPPER QUOTATIONS CORRECTLY GIVEN IN MINING JOURNAL

BISBEE, Aug. 19.—That the copper quotations in the Mining and Engineering Journal, into which an investigation was set in foot by the convention of the Arizona State Federation of Labor, held in Tucson last week, are as correct as it is humanly possible to make them is asserted by Walter Douglas, vice president of Phelps-Dodge & Co., in a letter written from his office in New York City and dated August 7.

Mr. Douglas also denies that large copper producing interests have financial control of the journal.

The federation convention adopted a resolution seeking an investigation by Secretary Wilson of the department of labor.

The action of the federation was inspired by John L. Donnelly of Miami, vice president and organizer who has been working in the Clifton-Morenci-Metaline district. The miners of that district have been growing dissatisfied to the verge of striking on account of their suspicions that the quotations in the Mining and Engineering Journal, on which the sliding scale of wages is based, are lower than the figures which actual sales were made.

TOMBSTONE SENDS A LARGE CONTINGENT TO GLEESON

A large representation of Tombstone voters and candidates, went to Gleeson today to attend the Candidates' "Wild West" Celebration and Tombstone as usual presented the largest crowd of any of the surrounding towns and cities. Reports from there this afternoon state that the candidates are here galore and enjoying things in great shape, meeting the voters and discussing important topics. A program of wild west sports is scheduled to entertain the candidates and voters and those returning late this afternoon report that the celebration accomplished its purpose in great shape—the candidates met the voters and the voters met the candidates.

RUMORS OF ANOTHER UPHEAVAL IN MEXICO

DOUGLAS, Aug. 19.—With the apparent return of tranquility to northern Mexico, rumors of a new revolution by the "Legalista" party, composed of the Diaz, Huerta and Villista elements as against the Carrancista forces, are being heard. However, these rumors lack definite form, and while it is stated in reliable sources that there are many men who have killed themselves or are willing to take part in the movement, the general impression among the politically wise is that they are awaiting the coming of an "angel" willing to finance the revolt.

It is known that there is much interest felt in Agua Prieta and other parts of northern Sonora in the movement and many rumors are afloat. This is given color by the fact that there have been a number of women from the other side in Douglas in the last few days, making guarded inquiries to learn whether there is anything tangible in the situation and how far the movement has advanced.

Consul Ives G. Levevier, when interviewed on the subject, scouted the possibility of such a party forming. He said that they had no funds, although there are undoubtedly many expatriates on this side of the border who would join the movement if it were started.

WILL EXHUME BODY OF BROTHER KILLED IN MEXICO

DOUGLAS, Aug. 19.—That Albert R. Dickson was shot after the completion of his battle for life with three Mexican cowboys by a fourth Mexican, employed on a nearby farm, who was implicated in the fight or a party in it in any way, was a report reaching here yesterday from Sonora. It will be remembered that Dickson and Jim Parks were killed in June near Arizpe.

Dickson, Parks and Norton Hand were set upon by three Mexican cowboys who attempted to disarm them. The trio of foreigners resisted and in the fight which followed one cowboy was killed, one wounded and the third, the unarmed one, made his escape.

Dickson escaped from the fight without a scratch, it is stated, and was reloading his rifle when the arm laborer, summoned by the third cowboy, shot him from ambush with a rifle. But one shot struck him and he died instantly.

The brother of Mr. Dickson is expected to arrive here in a day or two to see about exhuming the body from its burial place near the scene of the tragedy and bringing it across the border. It is understood that the Mexican authorities have agreed to allow the body to be brought out while men in the neighborhood of Arizpe, who say they know where the grave is located, have agreed to find it out at any time.

LAST DAY FOR NOMINATION PAPERS

Tuesday, August the 22nd, will be the last day for the filing of nomination papers with Clerk A. C. Karger of the board of supervisors, and up to today Mr. Karger reports that there are a large number of candidates who have announced their candidacy and have failed to file their petitions with

INJUNCTION AGAINST COOKS AND WAITERS UNION

WILL PUT STOP TO PICKETING WHICH HAS BEEN CARRIED ON FOR MONTHS

RESTRAINS UNION FROM INTIMIDATING PROPRIETORS AND PATRONS OF RESTAURANT

A temporary injunction was granted in the Superior Court today in the case of William Truax against the Bisbee Cooks' and Waiters' Union, the Warren District Trades Assembly and several individuals.

The injunction reads as follows:

"Now, therefore, this is to command you and each of you, your officers, attorneys, committees, agents, employees, servants, members, confederates, associates, and all others acting or co-operating with you, or by or under your direction and consent, or agreeing, combining or conspiring with you, to absolutely desist and refrain from in any manner or by any means conspiring or combining to boycott the business of plaintiff's by use of the means hereinafter set out and in any and all of the ways, hereinafter mentioned; that is to say, from abetting, aiding, assisting, furthering or participating in such boycott, by directly or indirectly threatening, coercing, menacing or intimidating any person whatever from patronizing, buying from, or otherwise dealing with plaintiff's, or from entering into the employment of plaintiff's in their said business, from printing, publishing or displaying any signs, banners, handbills, pamphlets, newspaper advertisement, or any other device for the purpose of intimidating or coercing any person or persons into participating in any boycott against plaintiff's business, or place of business; from parading up and down on the sidewalk or street in front of, or in the immediate vicinity of plaintiff's place of business and declaring the said plaintiff's, their place of business, or their conduct thereof as unfair to organized labor, in such words, tones or manner as to intimidate the patrons, or other patrons of said place of business from dealing therein; and from doing any other act or thing, or using in any other word or words, written or spoken, in furtherance of any plan or plans of said defendants to start, maintain and carry on such boycott against said plaintiff's and their said place of business, by means of threats, menaces, coercion, fear or intimidation."

The individuals mentioned in the injunction are Jack Barnett, B. Berutto, David C. Thompson, Charles Vidano, John Plank, Mike Brajovich, Dave Green.

The granting of the injunction will put a stop to the picketing that was carried on in Bisbee in front of the place of business for the past few months until a few weeks ago when the plaintiffs were compelled to close. The board as provided by law. The law provides that petitions shall be on file with the board a certain number will wait until the last day to file their petitions and there will be a grand rush to get them in before closing time, and Mr. Karger requests the candidates to make haste in filing their papers, before it will be too late.